IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4500 OF 2005

Kalyansingh Bhavarsingh Rajpurohit ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Kuldeep S. Patil for the Applicant.
Shri. R. Y. Mirza, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : JULY 19, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and the learned A.P.P. for the State. The Advocate for the Applicant pointed out that it is the deceased who came early in the morning in the house of the Applicant and the deceased had brought a knife alongwith him. He pointed out that the statement of the first informant itself shows that the deceased was trying to assault the Applicant by using knife. He submitted that to save the life of the Applicant, his wife who is co-accused has allegedly assaulted the deceased on his head by using cricket bat. He submitted that the story of the first informant is exaggerated. He has described that the Applicant took the knife which was in the hand of the deceased and stabbed the deceased in abdomen. He pointed out that in the Post Mortem Notes there is no corresponding injury on the abdomen. He submitted that considering the fact that entire incident has taken place early in the morning and even going by the statement of the first informant, the alleged assault by the Applicant was in self-defence, the Applicant is entitled to be enlarged on bail.

2. The learned A.P.P. has pointed out the Post Mortem Notes and other material on record and submitted that no case is made out for grant of bail.

3. Apart from the allegation of the first informant regarding the assault by knife by the Applicant on the person of deceased, the allegation made by the first informant is that even the Applicant assaulted the deceased by a cricket bat on his head. Apart from the wounds on the head, the Post Mortem Notes disclose that there was fracture on the frontal area of size of 10 cm. X 10 cm. There is also a fracture of left oscipital area of length of 5 cms. It is also stated that the cause of death is head injury. Though there are no injuries on the abdomen of the deceased the Post Mortem Notes disclose incise wounds over the face of the deceased. Some of the incise wounds are muscle deep.

4. In my view, there is enough material to show complicity of the Applicant in serious crime. The learned A.P.P. has pointed out that the case is already entrusted to the Fast Track Court and the trial is expedited.

5. In view of this position, no case is made out for grant of bail. Accordingly, Application is rejected.

JUDGE